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NOTICE OF ALLOWANCE AND FEE(S) DUE

23122

7590

11/14/2008

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

EXAMINER

GYORFI, THOMAS A

ART UNIT

PAPER NUMBER

2435

DATE MAILED: 11/14/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/06/272

03/22/2004

Yasushi Ayaki

MTS-3514US

1942

TITLE OF INVENTION: DATA USE MANAGEMENT SYSTEM, TRANSMITTING APPARATUS HAVING MANAGEMENT FUNCTION, AND
DATA USE MANAGEMENT METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/17/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issued on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

23122 7590 11/14/2008
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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,272 03/22/2004 Yasushi Ayaki MTS-3514US 1942

TITLE OF INVENTION: DATA USE MANAGEMENT SYSTEM, TRANSMITTING APPARATUS HAVING MANAGEMENT FUNCTION, AND DATA USE MANAGEMENT METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/17/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
GYORFI, THOMAS A	2435	713-168000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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10/806,272	03/22/2004	Yasushi Ayaki	MTS-3514US	1942
23122	7590	11/14/2008	EXAMINER	
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			GYORFI, THOMAS A	
			ART UNIT	PAPER NUMBER

2435

DATE MAILED: 11/14/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 821 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 821 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/806,272

Examiner

Thomas Gyorfi

Applicant(s)

AYAKI ET AL.

Art Unit

2435

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Request for Continued Examination filed 9/2/08.
2. ☒ The allowed claim(s) is/are 1,3-7 and 9-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lawrence Ashery on 11/7/08.

The claims are to be amended as follows:

1. (Currently Amended) A data use management system comprising at least one receiving apparatus connected to a network and capable of receiving and using predetermined data, and a transmitting apparatus which transmits the data to said receiving apparatus via said network,

wherein use of the data on said network is managed on the basis of a transmitting time for transmission of predetermined information between said transmitting apparatus and said receiving apparatus,

wherein said transmitting apparatus has:

transmission time measuring means of measuring the transmission time for transmission of the predetermined information for measurement between said transmitting apparatus and said receiving apparatus;

reference time storage means of storing ~~at least one~~ a plurality of reference times;

transmitting-side authentication means of comparing the transmission time and the ~~one~~ plurality of reference times, thereby determining to which one of ranges of transmission time classified on the basis of the reference times the transmission time belongs, determining, on the basis of the result of said determination, whether or not said receiving apparatus having the transmission time is permitted to use the predetermined data, and performing authentication if said receiving apparatus is permitted to use the predetermined data; and

authentication count means of incrementing an authentication count which is a number of instances of authentication performed by said transmitting-side authentication means,

wherein said receiving apparatus has receiving-side authentication means of performing authentication with said transmitting-side authentication means, and wherein said transmitting apparatus compares the authentication count with a maximum authentication count determined in advance with respect to each of the ranges of transmission time, and inhibits further authentication if the authentication count is larger than the maximum authentication count;

wherein said transmitting-side authentication means sets the maximum authentication count to a smaller value based on a result of said classification of the plurality of ranges so that a class with greater transmission time is set to the smaller value of the maximum authentication count.

3. (Currently Amended) A transmitting apparatus having a management function for enabling at least one receiving apparatus connected to a network and configured to receive and use data via said network, said transmitting apparatus comprising:

transmission time measuring means of measuring the transmission time for transmission of predetermined information between said transmitting apparatus and said receiving apparatus;

reference time storage means of storing ~~at least one~~ a plurality of reference times;

transmitting-side authentication means of comparing the measured transmission time and the ~~at least one~~ plurality of reference times to determine to which one of a plurality of ranges the transmission time belongs, the plurality of ranges being classified based on the ~~at least one~~ plurality of reference times, and of determining, based on which one of the plurality of ranges the measured transmission time belongs, whether or not said receiving apparatus having the corresponding measured transmission time is permitted to use the data, and performing authentication if said receiving apparatus is permitted to use the data;

authentication count means of incrementing an authentication count which is a number of instances of authentication performed by said transmitting-side authentication means; and

a management function of comparing the incremented authentication count with a maximum authentication count determined in advance with respect to each of the plurality of ranges, and inhibiting further authentication if the incremented authentication count is larger than the maximum authentication count;

wherein said transmitting-side authentication means sets the maximum authentication count to a smaller value based on a result of said classification of the plurality of ranges so that a class with greater transmission time is set to the smaller value of the maximum authentication count.

21. (Currently Amended) A data use management method, comprising steps of:

when transmitting data via a network from a transmitting apparatus to at least one receiving apparatus connected to the network and capable of receiving and using the data, permitting access to the data by the at least one receiving apparatus via the network based on a transmitting time for transmission of predetermined information between the transmitting apparatus and said receiving apparatus exceeding one value,

measuring the transmission time for transmission of the predetermined information between said transmitting apparatus and said receiving apparatus,

comparing the measured transmission time and ~~at least one~~ a plurality of reference times to determine to which one of a plurality of ranges the transmission time belongs, the plurality of ranges being classified based on the ~~at least one~~ plurality of reference times, and determining, based on which one of the plurality of ranges the measured transmission time belongs, whether or not said receiving apparatus having the corresponding measured transmission time is permitted to use the data,

performing authentication if said receiving apparatus is permitted to use the data,

incrementing the authentication count which is a number of instances of authentication performed,

comparing the increased authentication count with a maximum authentication count determined in advance with respect to each of the plurality of ranges, and

inhibiting further authentication if the incremented authentication count is larger than the maximum authentication count, and

setting the maximum authentication count to a smaller value based on a result of said classification of the plurality of ranges in the authentication so that a class with greater transmission time is set to the smaller value of the maximum authentication count.

23. (Currently Amended) A recording medium having the program stored thereon and configured to be processed using a computer, the program executing the method including

measuring the transmission time for transmission of predetermined information between a transmitting apparatus and a receiving apparatus;

storing ~~at least one~~ a plurality of reference times;

comparing the measured transmission time and the ~~at least one~~ reference times to determine to which one of a plurality of ranges the transmission time belongs, the plurality of ranges being classified based on the ~~at least one~~ plurality of reference times;

determining, based on which one of the plurality of ranges the measured transmission time belongs, whether or not said receiving apparatus having the corresponding measured transmission time is permitted to use the data;

performing authentication if said receiving apparatus is permitted to use the data;

incrementing an authentication count which is a number of instances of authentication performed;

comparing the incremented authentication count with a maximum authentication count determined in advance with respect to each of the plurality of ranges; and

inhibiting further authentication if the incremented authentication count is larger than the maximum authentication count;

setting the maximum authentication count to a smaller value based on a result of said classification of the plurality of ranges in the authentication so that a class with greater transmission time is set to the smaller value of the maximum authentication count.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: the prior art of record cited in the previous rejections, and the Dresel reference in particular, disclosed the ability to store exactly one reference time, in order to define a plurality of exactly two ranges, said ranges determining how the authentication process may or may not proceed. Specifically, if the transmission time of a message were to fall below the threshold defined by Dresel, then authentication may be performed (subject to the maximum authentication count imposed by the Conte reference); whereas if the transmission time of a message were to exceed said threshold, then authentication is not permitted (i.e. implicitly establishing a maximum authentication count of zero for traffic in this range, which is by definition smaller than the non-zero limit used in the first range). However, the instant specification supports embodiments of the instant

invention wherein two or more reference times may exist (e.g. Figure 6, and pages 33-35), defining a plurality of three or more ranges, each with their own authentication conditions. The prior art of record does not disclose, nor would reasonably suggest, establishing a **plurality** of reference limits and ranges in this fashion; nor was the Examiner able to find other prior art that would teach or suggest this limitation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/2/08 has been entered.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Gyorfí whose telephone number is (571)272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG
11/7/08
/Kimyen Vu/
Supervisory Patent Examiner, Art Unit 2435